

DEC 22 2017

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

JAMES N. HATTEN, Clerk  
By:  Deputy Clerk

U.S. Bank, N.A, as trustee,

Plaintiff,

vs.

Mr. Clarence Carr, et al.

Defendants.

CASE NO 1:17-CV-4876-TCB-WEJ

**DEFENDANT CARR'S OBJECTIONS TO  
THE REPORT & RECOMMENDATION**

Now comes the Defendant Clarence Carr and files his objections the report and recommendation. Carr respectfully requests this Court to expand on the narrow reading of 28 USC ¶ 1443(1) and allow Defendant to have a trial in this Court. This is a right supposedly guaranteed by the Georgia Constitution but has been legislated away by the same body without changing the Georgia Constitution. Defendant requests he be allowed to defend this case in Federal Court since this is the 5th time the Plaintiff has filed a dispossessory that has resulted in 2 voluntary

dismissals, 4 final orders on the merits (2 granting a writ and 2 denying a writ) and now this present case.<sup>1</sup>

Date: December 22, 2017

Respectfully,



Clarence Carr  
8703 Lake Forest Drive  
Jonesboro, Georgia, 30236  
*Pro se*

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<sup>1</sup> Plaintiff fails to mention in its limited objections to the report and recommendation the 2 previous cases it dismissed in Magistrate Court which would normally, in any other case, end this dispute. As I have stated before, the 2 dismissal rule, compulsory counterclaim rule, res judicata and OCGA 9-11-40 are improperly disallowed in the Magistrate Court of Clayton County and is obviously severely prejudicial to Defendants. If a Plaintiff obtains a judgment and cannot enforce the judgment for whatever reason the remedy IS NOT TO SUE AND GET A NEW JUDGMENT. Litigation would never end. The remedy is more likely a Writ of Mandamus. There have been 6 Orders entered over this dispute. 2 dismissals, 2 writ of possessions and the last 2 orders denying the Plaintiff a writ of possession from the State Court of Clayton County. Unsatisfied Plaintiff simply took their claims before another Court that resulted in this present case.

**CERTIFICATE OF SERVICE**

I hereby certify that on December 22, 2017, I mailed a copy of  
**DEFENDANT CARR'S OBJECTIONS TO THE REPORT &  
RECOMMENDATION** to the following address with the proper postage to:

WEISSMAN PC  
Mr. Matthew F. Totten  
One Alliance Center, 4th Floor  
3500 Lenox Road  
Atlanta, Georgia 30326

Respectfully,



Clarence Carr  
8703 Lake Forest Drive  
Jonesboro, Georgia, 30236  
*Pro se*